

SICHENZIA ROSS FRIEDMAN FERENCE LLP
Christopher Pisacane, Esq. (CP 1854)
61 Broadway, 32nd Floor
New York, New York 10006
Telephone: (212) 930-9700
Facsimile: (212) 930-9725

Attorneys for Defendants Peter Greco & George Gerhard, III

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
MARTA BARBEOSCH VARELA, Individually :
and as Executrix of the Estate of William P., : NO. 13-CV-3332 (ALC)
Barbeosch, Deceased, :
: Plaintiff, : **NOTICE OF MOTION**
v. :
: :
: BARNUM FINANCIAL GROUP, et al., :
: :
: Defendants. :
-----X

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated November 11, 2014, and all the pleadings and prior proceedings had herein, Defendant Peter Greco will move this Court before the Honorable Andrew L. Carter, Jr., United States District Judge for the Southern District of New York, at the United States Courthouse, 40 Foley Square, New York, New York, 10007, at a date and time to be designated by the Court, or as soon as thereafter as counsel can be heard, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing the Second Amended Complaint in its entirety, with prejudice, on the ground that it fails to state a claim.

Pursuant to the “So Ordered” letter dated October 7, 2014 (see Docket #43), Plaintiff’s response to the instant motion shall be filed on or before December 11, 2014 and Defendants reply brief shall be filed on or before December 19, 2014.

Dated: New York, New York
November 11, 2014

Respectfully submitted,

SICHENZIA ROSS FRIEDMAN FERENCE LLP

By: /s Christopher Pisacane
Christopher M. Pisacane, Esq. (CP-1854)
61 Broadway, 32nd Floor
New York, NY 10006
(212) 930-9700

Attorneys for Defendant Peter Greco

To: Thomas More Marrone, Esq. (Via ECF & First Class Mail)
Counsel for Plaintiff
Greenblatt, Pierce, Engle, Funt & Flores, LLC
123 South Broad Street, 25th Floor
Philadelphia, Pennsylvania 19109

Michael H. Bernstein, Esq. (Via ECF & First Class Mail)
Matthew P. Mazzola, Esq.
Counsel for Defendant Barnum Financial Group
Sedgwick LLP
225 Liberty Street, 28th Floor
New York, New York 10281